# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/623,112 | 07/18/2003 | Gary G. Liu | 10664-166001 | 4468 |

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| EXAMINER |
|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2446 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 08/05/2009 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| ***Advisory Action***<br>***Before the Filing of an Appeal Brief*** | *10/623,112* | LIU, GARY G. |
| | **Examiner** | **Art Unit** | |
| | GUANG LI | 2446 | |

### *--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>09 July 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>(See Continuation Sheet)</u>.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

  /Jeffrey Pwu/
  Supervisory Patent Examiner, Art Unit 2446

Applicant argues following limitations:

A) On page 11, Fleming does not distribute a white list among a plurality of spam filters and Abkemeier does not distribute a whilte list among a plurality of spam filters.

B) On page 13, the examiner admits that neither Pickup nor Fleming teach or suggest theses feature, and relies upon paragraphs [0039], [0048] and [0050] of Abkemeier to cure the deficiencies of Pickup and Fleming.

C) On page 16, Goodman does not collect information from a plurality of spam filters.

D) On page 17, Rounthwaite does not determine a atreand based on the information collected relating to a sender.

E) On page 20, Fleming does not teaches distributing a sender's statua to other spam filters.

In response to argument A, Examiner disagree with applicant's argument. On the contrary, Fleming discloses the administrator could maintain a global authorized sender list that is shared by all employees. Each employee could also maintain a personal authorized sender list the identifies additional senders (e.g., spouse) who are authorized to send electronic mail messages to the employee. The global authorized sender list includes the list of the authorized sender status whether the sender is authorized or not. If the sender is authorized, the authorization component notifies the all the employee personal authorized list whether that particular sender status (see Fleming: col.5 lines 1-20). In addition, the system wide white list is share with all the employee and the employee will have same global authorized sender list. Fleming further teaches a user may be allowed to specify and de-specify many different authorized sender lists at various times, and user may have an authorized sender list for business acquaintances and another authorized sender list for social acquaintances. Since a user able to have different authorized lists it is clearly, a global authorized sender list that shared by all employee. Lastly, the users updating the global authorized sender list for any global authorization not the administrator. Administrator only maintains a global senders list for management and correction not filtering purposes. However, the authorized sender list for business acquaintances and social acquaintances are share along with employees. However, Examiner agrees Abkemeier does not distribute a whilte list among a plurality of spam filters.

In response to argument B, Examiner disagree with applicant's argument. First all, examiner only admits that Pickup does not disclose using a locally stored list of confirmed senders (See Final Rejection). However, examiner asserts that Fleming teaches personal authorized sender list that confirmed by individual employee "Each employee could also maintain a personal authorized sender list the identifies additional senders (e.g., spouse) who are authorized to send electronic mail messages to the employee" see Fleming: col.5 lines 10-14) in order to provide de-spamming services to the email system (Fleming: col.3 line 20-23). This is clearly teaches the Fleming's system teaches using a locally stored lists of confirmed senders.

In response to argument C, Examiner disagree with applicant's argument. On the contrary, Goodman teaches if the sum total per outgoing message exceeds some threshold amount, then that message and/or the respective sender can be flagged as a potential spammer (see Goodman: ¶[0011]). Goodman providing the system and methods for effectively managing electronic messages and reducing the number of unwanted messages. Therefore, it does provide using the collecting information to reducing the unwanted messages. In another word, Goodman collecting information from message filters to determine whether flagged a potential spammer or not. The information collecting regarding score that filtering the emails that associated with sender are collected to determine whether is a spammer or not.

In response to argument D, Examiner disagree with applicant's argument. On the contrary, Pickup teaches identifying and intercepting an unauthorised electronic mail before delivery to the recipient, the unauthorised electronic mail being identified through a comparison of details of the sender with details contained on a list of authorised senders (see Pickup: ¶[0009]) and Rounthwaite teaches there may be limitations on the number of messages selected per user or per user per time period, or on the probability of selecting a message from any given user to teach the determining a trend in the collected information. In addition, Applicant admits the Rounthwaite identified a spammer based on votes and feedbacks collected from the recipients that stated a trend in the collection information can be vote and feedbacks that clearly teach determined a trend in the collection information. Since Pickup teaches the identifying and intercepting an unauthorized electronic mail before delivery to the recipient and Rounthwaite teaches determining a trend in the collect information. It would have been obvious to one of ordinary skill in the art, having the teachings of Pickup Through before them at the time the invention was made to modify the method and system for detecting spam of Pickup to include collection trend of information for spam prevention (Rounthwaite: col.1 lines 64 - col.2 lines 5). In addition, Applicant does not clearly define how the trend determines in the collected information based on. Applicant only claims the determining a trend in the collected information not based on the collected information. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., how the trend determines in the collected information based on) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to argument E, Examiner disagree with applicant's argument. On the contrary, Fleming discloses send the personal authorization list to confirm the sender is authorized with personal list "the administrator could maintain a global authorized sender list that is shared by all employees. Each employee could also maintain a personal authorized sender list the identifies additional senders (e.g., spouse) who are authorized to send electronic mail messages to the employee" see Fleming: col.5 lines 10-14)" (see Fleming: Col.5 line 1-10). The users updating the global authorized sender list for any global authorization not the administrator. Administrator only maintains a global senders list for management and correction not filtering          purposes.